Oswald exhumation stayed as brother files lawsuit

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FORT WORTH, Texas (AP) — Exhumation of the body in Lee Harvey Oswald's grave was blocked by a state district judge Thursday after Oswald's brother filed suit against the author seeking to have the body dug up.

State District Judge James Wright signed a temporary restraining order and scheduled a hearing on the case for Aug. 22.

The lawsuit filed by Robert Oswald, of Wichita Falls, named Dallas County Medical Examiner Charles Petty; Oswald's widow, Marina Oswald Porter; Dallas County Judge Garry Weber; British author Michael Eddowes, and Rose Hill Cemetery, where the body is interred, as defendants.

In a book on the Nov. 22, 1963, assassination of President John. F. Kennedy, Eddowes claimed the body in Oswald's grave in Tarrant County is that of a Soviet agent who took Oswald's place to kill Kennedy. His previous efforts to force Tarrant and Dallas county authorities to exhume the body have been unsuccessful.

Robert Oswald, who paid for the cemetery plot in 1963, claimed he would suffer "severe mental pain and anguish" if the body is exhumed. He said he would seek $100,000 from each defendant should the body be exhumed.

His suit claims Eddowes' efforts to exhume the body are "continuing action of the part of Michael Eddowes for his own personal gain and to promote a book he has written for sale and distribution to the public."

The suit claimed Weber had signed an exhumation order, but Weber could not be reached for comment.

There was no immediate comment from Eddowes on the court action.

Earlier Thursday, Eddowes' lawyer said he had obtained the legal authority to exhume the body.

But attorney Jerry Pittman would not reveal at a news conference what that authority was or when the exhumation would take place. He said he would not give any details until after an autopsy was complete.

Eddowes claims the body measured in Dallas after Oswald's death in 1963 was 2 inches shorter than Oswald's height when measured in the Marine Corps. Oswald's dental X-rays take in 1958 while in the Marines would be the primary key to identification.

The Warren Commission named Oswald as Kennedy's assassin in 1963.

The Dallas Morning News reported Thursday that Eddowes had the consent of Oswald's widow, Marina Oswald Porter, which he has not had in past efforts.

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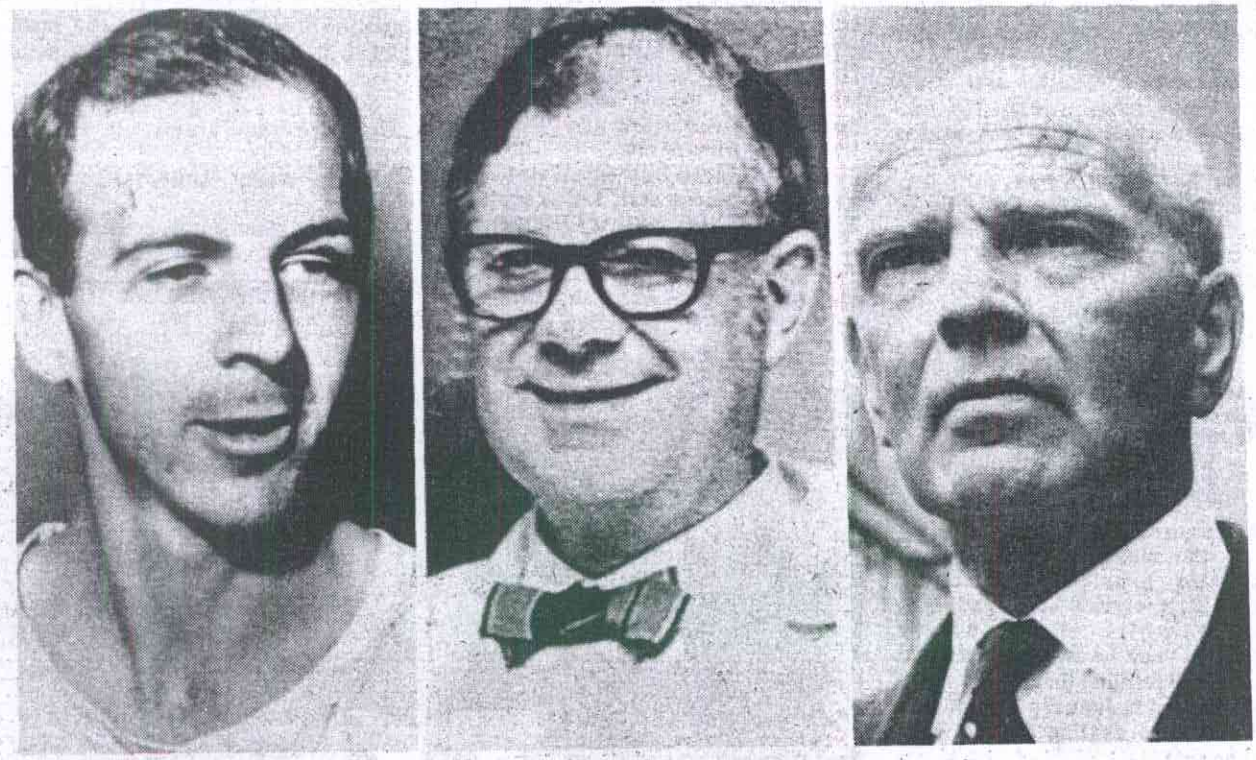

IS IT REALLY HE? — Dallas County (Texas) Medical Examiner Dr. Charles Petty (center) plans to exhume the body of accused presidential assassin Lee Harvey Oswald (left) from his Fort Worth grave. Michael Eddowes (right) a British author and attorney, questioned the identity of the body buried in 1963 in a Fort Worth cemetery. Eddowes believes the body buried there is not Oswald, but a Soviet secret agent who returned to the United States in 1962 from Russia, posing as Oswald. (AP Laserphoto)